

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC

Plaintiff,

v.

**MORPHOTRAK, INC. and SAFRAN USA,
INC.,**

Defendants.

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CIVIL ACTION NO. 6:13-CV-89

**DECLARATION OF CLARK NELSON
IN SUPPORT OF MORPHOTRAK AND SAFRAN USA'S
REPLY IN SUPPORT OF MOTION TO TRANSFER**

I, Clark Nelson, do hereby declare and state as follows:

1. I am Senior Vice President of Sales for MorphoTrak, Inc. ("MorphoTrak").
2. I have been employed MorphoTrak for 6.5 years.
3. My job responsibilities include managing sales for MorphoTrak's products.
4. Safran S.A. is a global conglomerate containing many different subsidiaries around the world. Its website makes reference to these subsidiaries and their products, including MorphoTrak and its products. Safran S.A., Safran U.S.A., Inc ("Safran U.S.A."), and MorphoTrak are each separate and distinct business entities.
5. MorphoTrak is exclusively responsible for sales of the MorphoTrak products accused of infringement. By contrast, Safran U.S.A. does not participate in sales of the MorphoTrak products accused of infringement in this matter.
6. I am also familiar with the previous Austin, Texas offices of MorphoTrak. That office closed in November 2010. All records from the Austin office were transferred to

MorphoTrak's offices in Anaheim, California. At present, none of the MorphoTrak employees who once worked in MorphoTrak's Austin office are based in Texas.

Executed this 15 day of May, 2013, in Alexandria, VA

A handwritten signature in blue ink, appearing to read "Clark Nelson", followed by a long horizontal line.

Clark Nelson